

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN TILLIS,
Petitioner,

v.

M. E. SPEARMAN, Warden,
Respondent.

Case No. [13-cv-04123-WHO](#) (PR)**ORDER OF DISMISSAL**

Petitioner John Tillis has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 in which he alleges that the California Board of Parole Hearings violated his right to due process when it denied him parole in 2012. Mr. Tillis has paid the filing fee.


Federal habeas relief in the context of parole determinations is narrowly circumscribed. Mr. Tillis argues in his petition that the California Board of Parole, among other things, disregarded the forensic assessment of the Board's psychologist, Dr. Thacker, and should have found him eligible for parole. But the United States Supreme Court has determined that the Court lacks authority to evaluate the fairness of the parole hearing or its outcome, except to determine that Mr. Tillis “was allowed an opportunity to be heard and was provided a statement of the reasons” parole was denied. *Swarthout v. Cooke*, 131 S. Ct. 859, 862 (2011). “The Constitution does not require more.” *Id.* (quoting *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1, 16 (1979)). Mr.

1 Tillis received a parole hearing on February 27, 2012, where he was allowed an
2 opportunity to be heard and was given the reasons for the Board's decision. (Pet, Ex. A.)
3 The Supreme Court instructs that making that determination is the beginning and the end
4 of the Court's inquiry into whether Mr. Tillis received due process. (*Id.*) Accordingly, the
5 petition is DISMISSED for failure to state a claim upon which federal habeas relief can be
6 granted.

7 A certificate of appealability will not issue. Petitioner has not shown "that jurists of
8 reason would find it debatable whether the petition states a valid claim of the denial of a
9 constitutional right and that jurists of reason would find it debatable whether the district
10 court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
11 Petitioner may seek a certificate of appealability from the Court of Appeals. The Clerk
12 shall enter judgment in favor of respondent, and close the file.

13 **IT IS SO ORDERED.**

14 **Dated:** January 9, 2014

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16 WILLIAM H. ORRICK
17 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN TILLIS,
Plaintiff,

Case Number: CV13-04123 WHO

CERTIFICATE OF SERVICE

v.

M E SPEARMAN et al,
Defendant.

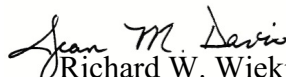
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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 9, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

John Tillis J-26546
California Training Facility Soledad
P.O. Box 684 Central
Soledad, CA 93960-0689

Dated: January 9, 2014


Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk